Filed 12/14/16 M.B. v. Superior Court CA4/3

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

M.B.,

Petitioner,

v.

THE SUPERIOR COURT OF ORANGE COUNTY,

Respondent;

ORANGE COUNTY SOCIAL SERVICES AGENCY et al.,

Real Parties in Interest.

G053927

(Super. Ct. No. DP026025-001)

O P I N I O N

Original proceedings; petition for a writ of mandate/prohibition to challenge an order of the Superior Court of Orange County, Gary G. Bischoff, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Petition and request for stay denied.

Donna Chirco for Petitioner M.B.

Leon Page, County Counsel, Karen L. Christensen, Deputy County Counsel, for Real Party in Interest Orange County Social Services Agency.

Jo-Ellen Alicie for the Minor.

* * *

M.B. (mother) seeks extraordinary writ relief (Cal. Rules of Court, rules 8.450, 8.452) from the juvenile court's August 17, 2016, orders terminating reunification services concerning her seven-year-old son Ethan (born March 2009) at the 12-month permanency hearing (Welf. & Inst. Code, § 361.21, subd. (f)(1); all statutory references are to this code), and scheduling a section 366.26 selection and implementation hearing for December 15, 2016. Mother challenges the sufficiency of the evidence to support the juvenile court's finding Ethan would be at risk if returned to her care. She also contends the court erred in not extending reunification services to an 18-month review date, and the court erred in finding SSA offered mother reasonable reunification services. Finally, mother claims the court erred in reducing mother's visitation. Our review discloses no basis to overturn the court's orders and therefore we deny the requested relief.[1]

I

FACTS AND PROCEDURAL BACKGROUND

In March 2015, the Orange County Social Services Agency (SSA) filed a petition alleging Ethan and his older half siblings Diana (born June 1999) and K. (born January 2005)[2] had suffered, or there was a substantial risk they would suffer, serious physical harm inflicted by the parents (§ 300, subd. (a)), and there was a substantial risk

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[1] Ethan's father's identity and whereabouts are unknown. He never surfaced and is not a party to this proceeding.

[2] Mother's petition occasionally refers to the "children," but mother's notice of intent to file a writ petition and her petition concern Ethan only, not his sisters Diana and K. Mother's separate appeal from the orders concerning K. (G053928) is in the briefing stage. Mother did not appeal from the orders concerning her older daughter Diana.

they would suffer serious physical harm resulting from the parents' failure to protect them or to provide them with adequate care (§ 300, subd. (b)).

According to the petition and detention report, on March 13, 2015, mother struck Diana on the face and back with a metal spatula, grabbed Diana's hair, dragged her into the living room, held her down, and cut her hair. She also cut up one of Diana's dresses. Mother threatened to kill Diana if she reported the abuse. After the beating, Diana ran away to a friend's house, but mother did not look for her, and instead left California to work out of state. Irvine police officers contacted Diana three days later and observed bruising on her thighs, hand, and wrist. K. and Ethan witnessed mother's assault of Diana, and reported mother had physically abused them in the past.

Mother's boyfriend, M.K., was babysitting K. and Ethan when officers arrived to investigate the incident. Previously, in late November 2014, police officers had investigated domestic violence between mother and M.K. At that time mother had visible injuries and reported M.K. hit her several times in the face, causing her temporarily to lose consciousness. Mother stated she feared M.K. and acknowledged he had hurt her children. The children also reported M.K. physically abused Ethan.

Diana and K. were prior dependents of the court in Ohio. Diana was in foster care between January 2007 and October 2010, and again from 2011 to April 2014. K. was in foster care between January 2007 and July 2010. Ohio authorities reported mother had mental health issues, including depression and bipolar disorder. She took prescription medication for anxiety, had attempted suicide, and threatened to hurt herself and the children.

After authorities took the children into protective custody, mother phoned Irvine police. Mother was angry and threatened to sue the police department, but also admitted she "did those things to" Diana. After she returned to the state, the police cited her for misdemeanor child abuse. She denied physically abusing K. and Ethan, denied using a metal spatula on Diana, claimed Diana manipulated K. to support Diana's false

accusations, and asserted Diana had mental health issues and fabricated the Ohio incidents. She also denied any domestic violence with M.K., and claimed a social worker manipulated her into getting a restraining order against him.

At the time SSA filed the petition, the whereabouts of K.'s father, E.C., were unknown. Diana and K. stated they never had any contact with E.C.

The court detained the children, and ordered monitored visitation. K. and Ethan were placed with their longtime babysitter, A.R. Diana declined placement with A.R., and was ultimately placed in a separate foster home.

The social worker described mother as uncooperative, noting she had canceled several interview appointments. Mother contacted a potential placement resource for the children and "warned [the social worker] to stay away from" the children. The social worker noted mother prioritized employment over her children's welfare, she hurt the children physically, and punished the girls "in an emotional way by not speaking to" them.

The social worker recommended reunification services, but felt the prognosis was poor because mother denied most of the allegations and blamed Diana for "most of the disorder at home." The social worker recommended conjoint therapy, and stated mother needed to spend more time with the children.

In May 2015, mother submitted on the allegations of the petition, and the juvenile court found them to be true. The court removed custody from mother and ordered reunification services with monitored visits. The court adopted SSA's case plan, which required therapy (individual, conjoint, family, and/or group) with an SSA-approved therapist, parenting classes, and an SSA-approved anger management program. The court approved SSA's plan for monitored weekly visits and gave SSA discretion to liberalize visitation if circumstances improved.

The social worker referred mother to a parenting program, Personal Empowerment Program (PEP) classes, and counseling services in June 2015, but mother

did not attend because they conflicted with her work schedule. She later sought out her own programs and enrolled in anger management and parenting classes, and therapy.

E.C., who lived with his wife in the State of Washington, surfaced in September 2015. He asserted he was K.'s father, but not Diana's, and asked to play an active role in K.'s life. He reported meeting mother in 2004, and cared for Diana and K. during mother's stay in a psychiatric hospital, and after her release when she told him she could not care for the girls. After the children returned to mother's care, mother became "manipulative," moved away, and E.C. did not see the children. His last contact with mother occurred in 2009. He denied any domestic violence with mother. He was able to care for K., and also offered to provide care for Ethan so K. would not be separated from her younger brother. Ethan displayed numerous behavioral problems during this period, both with the caregiver and at school. Ethan had difficulty following rules and controlling his impulses at home, resulting in emotional outbursts. Ethan's teacher expressed concern about Ethan's bad language and aggressive behavior toward other children. Ethan was in therapy with the goal of providing him with "coping skills to address past therapy."

The social worker's report for the six-month review hearing recommended continuing reunification services, although noting mother's moderate progress on the case plan. Mother attended two counseling sessions in September, but none in October. She promised to reinitiate counseling in November. Mother attended 10 anger management sessions, but her progress was "between satisfactory and unsatisfactory." She claimed to have completed parenting classes, but failed to provide a certificate of completion. Mother stated she had learned she had a communication deficiency, did not show the children affection or empathy, and was too demanding, especially concerning K. Mother maintained regular phone contact with the children, and monitored visits had gone well.

At the November 18, 2015, six-month review hearing, the parties stipulated to continue reunification services. The juvenile court directed mother to address domestic violence and personal empowerment in counseling, but did not require a separate PEP program. The court directed SSA to initiate an investigation concerning E.C. in Washington. Mother believed E.C.'s visits should take place at a police station or with a law enforcement officer present.

K. had a visit with E.C. in November 2015 and maintained telephone contact with her father after he returned to Washington. Mother falsely accused E.C. of making negative comments about her. K. told the social worker she felt "stressed" because mother told her not to speak to her father, explaining to K. she worried that talking with E.C. would jeopardize their own relationship. Mother continued to express animosity toward E.C. to her daughter. K.'s teacher reported K.'s progress had suffered and she had been crying in class because mother warned K. if she decided to live with E.C. mother would no longer pursue reunification with the children.

The social worker permitted mother unsupervised visits with the children. Mother continued to complain about E.C., fearing he would kidnap K. The social worker reminded mother to have positive conversations with the children, and mother agreed not to make negative statements. The social worker further liberalized mother's visits in January 2016 to three visits a week beginning after school until 6:00 p.m.

In the initial report for the May 2016, 12-month permanency review, the social worker recommended continuing the case for an 18-month review for K. and Ethan.[3] Mother's misdemeanor child abuse charge resulted in a battery conviction and a grant of probation on condition she complete a 52-week child abuse treatment program. During a meeting to discuss overnight visits, mother became agitated and raised her voice

[3] The social worker recommended terminating reunification services for Diana, who was almost 17 and was focused on attending college after high school. Neither Diana nor mother wanted her returned to mother's care.

concerning E.C., claiming he previously had attempted to kill her. She admitted she would not facilitate contact with E.C. once the children were placed back in her care. The social worker advised mother E.C. was entitled to visits and "must be" allowed to have them.

The social worker again described mother's progress with the case plan as moderate. Mother had begun overnight visits and the children enjoyed their time with her doing homework, watching movies, and eating meals together. The children denied any abuse or neglect or that any other persons were present during visits.

In April, mother's therapist sent a letter to the social worker stating mother had made significant progress in "overcoming the negative effects of her trauma," and was learning to "manage her symptoms" to maintain "a happy, healthy life for herself." The social worker attempted to follow up with the therapist concerning several issues, including mother's animosity to E.C., whether mother had addressed domestic violence and empowerment in counseling sessions, whether the therapist had any concerns about mother's mental health, and whether more therapy sessions were necessary. Although the social worker warned mother it was "crucial" for the social worker to discuss mother's progress with the therapist, mother directed the therapist not to speak with the social worker and revoked her authorization to release information. The progress reports from mother's anger management contained inconsistencies, but the provider had not returned the social worker's calls seeking more detailed information. Mother also claimed she had enrolled in a child abuse treatment program through probation, but the social worker learned the program had no record of her enrollment and mother could not remember the name or location of the program and objected to providing the information to the court.

The social worker noted other concerns. Although mother claimed she did not have any contact with M.K., the social worker learned he and mother shared a joint bank account and he had handled her finances. In April 2016, E.C. claimed mother had

been calling him at night using a blocked number. He asked the social worker to question mother about her employment, asserting she had a history of prostitution. He also asserted mother had been mentally unstable and manipulative in the past and he worried whether she could provide a safe home for the children. The social worker asked mother about her employment. Mother claimed she worked for the Social Media Agency for Models, recruiting women to promote clubs in San Francisco and San Diego, but the social worker could not find mother's supposed employer online. Mother provided a pay stub for a "spa" that appeared to be a pornography site. The social worker expressed concern mother's employment could "potentially be a risk factor for the children" because she had taken the children with her to work.

The social worker declined to recommend a 60-day trial visit. She noted mother continued to refuse to provide information concerning her therapy, and based on mother's mental health history, and her tendency to become anxious in stressful situations, the social worker recommended adding a mental health component to the case plan, and assessing whether mother needed medication. Mother contested SSA's recommendation to continue reunification efforts without returning the children, and the court set a hearing for June 14, 2016.

In May 2016, mother's therapist called the social worker to reveal, with mother's consent, that mother had consistently attended sessions and was making good progress. They addressed domestic violence, and mother's "anxiety levels appear to heighten" when speaking about E.C. Mother continued to suffer from posttraumatic stress disorder (PTSD) and anxiety, but the therapist did not observe symptoms suggesting a need to evaluate mother for medication. Mother expressed frustration about the process and length of time necessary to demonstrate the children could be safely returned to her care, and felt the nature of her work should not pose an impediment.

In early June, mother advised the social worker the maternal grandmother would be staying at her apartment while she was away at work. Mother did not believe

the grandmother could assist her on a long-term basis, however. The court directed SSA to assess the grandmother as a potential caretaker, and authorized the grandmother to babysit for periods not to exceed 24 hours.

The children reported the grandmother left them in the care of maternal Aunt D. Mother and E.C. had advised the social worker Aunt D. had a criminal record for prostitution. Grandmother and mother previously had declined to provide D.'s last name as "they [did not] want to get her involved." Because the grandmother might leave the children with an unapproved person, the social worker concluded mother had not yet found an appropriate caregiver.

Mother stated she would not attend the review hearing if the children were not being returned to her care, explaining she wanted the children home so she could move on with her life. Mother's child abuse program therapist reported mother had missed two sessions and if she missed one more she would be sent back to criminal court.

Washington social workers approved a home study reflecting E.C. and his wife could provide a safe and nurturing home for K. E.C. completed a parenting class at his own expense, and a domestic violence counselor felt he did not need domestic violence treatment. E.C. had no criminal record in Washington or Ohio. K.'s monitored visits with E.C. in early July 2016 went well. K. said she felt good, and wanted to visit with her "dad" in Washington during her vacation.

Mother complained to the caregiver that E.C. should not be visiting K. without her knowledge. Mother was visibly upset, complaining she did not understand why K. told her she did not want to visit E.C., but told everyone else she did. Later, while K. was on an overnight visit with mother, K. called the caregiver and said she did not want to visit E.C. the following day or the next, as previously arranged. The social worker canceled K.'s visits with E.C. The social worker explained to mother that K. may have told mother she did not want to visit with E.C. to spare mother's feelings. In late July, mother continued to state she had concerns about E.C. and did not agree with K.

visiting him in Washington. Later, K. told the social worker even though she would like to visit her father in the future, it was too stressful now because "mother needs her."

The social worker expressed concern mother would alienate K. from E.C. once mother regained custody of K. She also questioned mother's honesty, and worried mother and the maternal grandmother would leave the children in the care of someone who may not provide appropriate care. The social worker recommended continuing reunification efforts and scheduling an 18-month review, but also recommended reducing mother's visits "while mother continues to process the issue with her therapist and complete conjoint therapy" with K.

At the 12-month review commencing August 8, 2016, the social worker testified she could not recommend returning the children to mother because of concerns about childcare, noting the grandmother had left the children with an aunt who had a criminal record. The social worker also described the risk mother posed to K's relationship with E.C., explaining K. appeared "really happy to be able to have a relationship with her father," but K. changed her mind about visiting her father after spending time with mother.

The social worker also testified about an incident that had just occurred at the courthouse. Mother told K. "she wasn't going to fight for her [anymore] and didn't want her home." K. felt mother was giving up on her "just like she gave up on Diana." Based on mother's statement to K. at the courthouse, the social worker felt it was no longer appropriate for mother to have unmonitored visits. The social worker also emphasized K. and Ethan were close and therefore detrimental to separate them.

A tearful and crying K. testified she was unsure if she wanted to continue visits with mother based on mother's statements to her at the courthouse.

Mother testified how her parenting and anger management classes provided her with the "tools" to understand her children and show more empathy. She had difficulty defining the meaning of "empathy," however, describing it as "showing

feelings or showing affection" and "expressing [her]self" to the children. She could not describe what she learned in the criminal court child abuse program because it was for "people who been committing crimes, like real crimes, like abusing children[]." She admitted what she did to Diana was "completely wrong," and acknowledged that slapping children is child abuse and can cause emotional harm. She admitted her confrontation with K. at the courthouse was inappropriate, and conceded that telling K. she no longer wanted her home "had a real dramatic impact on" K. Mother explained she confronted K. because "I just went to how I feel." Mother still had concerns E.C. might take K. "away from this country," because he had tried that before when K. was three years old. She asked for return of the children, stating with "the right services and" support she "can do this."

On August 17, 2016, the juvenile court found "It is absolutely clear it would inappropriate to return the children to [mother's] care," explaining mother "failed in every respect to benefit from [her] services." The court declared there was not a substantial probability of returning the children to mother by the end of the statutory reunification period. The court also found SSA provided reasonable reunification services and it would not be detrimental to place K. with E.C. The court terminated reunification services as to Ethan and set a section 366.26 hearing for December 15, 2016. The court ordered monitored visitation for mother's visits with the children and required an SSA-provided neutral monitor to oversee the visits. The court directed the monitor to terminate the visit if mother "acts inappropriately in any fashion."

II

DISCUSSION

A. *Substantial Evidence Supports the Juvenile Court's Finding Returning Ethan to His Mother Would Create a Substantial Risk of Detriment to His Physical or Emotional Well-Being*

Mother challenges the sufficiency of the evidence to support the juvenile court's finding that returning Ethan to mother would pose a substantial risk of physical and emotional harm. Noting the children were removed from mother's care because of physical abuse, she contends she successfully addressed this issue, emphasizing the social worker reported no reoccurrences of any abuse or that it would reoccur in the future. Mother asserts she made substantive progress in reaching the goals of her case plan and points to her participation in parenting classes, anger management, individual counseling, and visitation. The issue, however, is not whether mother can cite evidence to support her position, but whether substantial evidence supports the court's orders. We conclude the evidence is sufficient and therefore no basis exists to grant mother's request for relief.

Section 366.21 provides the juvenile court shall return a child to parental custody at the 12-month review hearing "unless the court finds, by a preponderance of the evidence, that the return of the child . . . would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. (§ 366.21, subd. (f)).) Failure to participate regularly and make substantive progress in the case plan constitutes prima facie evidence of detriment. (*Ibid*.)

A reviewing court must uphold a juvenile court's findings and orders if they are supported by substantial evidence. (*In re Amos L*. (1981) 124 Cal.App.3d 1031, 1036-1037.) Evidence that is reasonable, credible, and of solid value satisfies the substantial evidence standard. (*In re Yvonne W*. (2008) 165 Cal.App.4th 1394, 1401.) Determinations of the credibility of witnesses and resolutions of conflicts in the evidence are for the juvenile court to resolve; we do not revisit these matters on review. (*In re*

Tanis H. (1997) 59 Cal.App.4th 1218, 1226-1227.) We must draw all inferences in support of the juvenile court's findings and view the record in the light most favorable to the court's orders. (*In re Jasmon O*. (1994) 8 Cal.4th 398, 423.) Consequently, the appellant bears the burden to show the evidence is insufficient to support the court's findings. (*In re Geoffrey G*. (1979) 98 Cal.App.3d 412, 420.)

Here, substantial evidence supports the juvenile court's decision. Mother testified at the 12-month hearing that K.'s accusation of physical abuse was not true. The court reasonably could disbelieve mother's claim and conclude mother had not fully accepted responsibility for her actions that led to the removal of her children. This testimony, considered in conjunction with her earlier and repeated denials of the children's accounts describing how she and her boyfriend abused them, supports the court's conclusion mother failed to make the necessary progress required despite her parenting and counseling sessions.

The evidence also showed mother repeatedly inflicted psychological harm on her children through impulsive and emotional statements. The juvenile court reasonably could conclude mother made these statements to satisfy her own emotional frustration and was either indifferent or unaware how her remarks would affect her children. The statement mother made to K. before the hearing is illustrative and played a key role in the court's determination. Mother told K. she would no longer "fight" to regain custody of her because "I just can't do it no more." K., devastated by this news, broke down on the stand when repeating mother's statement. Mother testified she made the statement because "I just went how I feel." This was not an isolated incident. Mother repeatedly made statements to K. undermining K.'s relationship with her father, resulting in pressure on K. that was emotionally harmful. The court reasonably could conclude mother did not discriminate among her children when making her impulsive and emotionally harmful remarks, as evidence by her estrangement from her oldest daughter

and Ethan's chronic misbehavior, which resulted, according to the social worker, in therapy to address "past trauma."

Although much of the case focused on Ethan's sister K., the evidence supported the juvenile court's conclusion Ethan faced a similar risk of emotional harm. The court could surmise Ethan's behavioral issues in the caretaker's home and at school, which required therapeutic intervention, stemmed from the physical and emotional abuse mother had inflicted over the years. [4]

The juvenile court also could rely on evidence of the mother's unresolved childcare issues and the problems posed by leaving the children with the maternal grandmother. Mother points out the social worker approved the grandmother for childcare for no more than 24 hours. But the grandmother allowed the maternal aunt to watch the children, and mother knew the aunt had a criminal record, but would not reveal the aunt's name to the social worker.

Finally, the juvenile court reasonably could conclude mother failed to resolve other issues, such as whether she completely severed her relationship with M.K., and mother's mental health problems.

Mother contends we must limit our inquiry to whether mother would inflict physical abuse in the future. Not so. Nothing in sections 366.21 and 366.22 state or imply that the risk of harm posed by returning the minor to his parent must involve only the same type of harm that resulted in removing the minor from parental custody. (*In re Joseph B.* (1996) 42 Cal.App.4th 890, 898.) "Thus, while the court must consider the extent the parent has cooperated with the services provided and the efforts the parent has made to correct the problems which gave rise to the dependency (§ 366.22, subd. (a)), the

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[4] Mother states Ethan "has always stated he wants to return to mother's care." We disagree. At various points Ethan stated he did not want to live with mother and wanted to live with the babysitter A.R. or another caretaker.

decision whether to return the child to parental custody depends on the effect that action would have on the physical or emotional well-being of the child." (*Id.*, at p. 899.)

Based on the foregoing, we conclude substantial evidence supports the juvenile court's detriment finding.

B. *Substantial Evidence Supports the Juvenile Court's Finding There Was Not a Substantial Probability the Court Would Return Ethan to Mother By the 18-Month Permanency Review*

If the juvenile court does not return the child to the parent at the 12-month permanency hearing, the court "shall . . . [¶] (1) [c]ontinue the case for up to six months for a permanency review hearing, provided that the hearing shall occur within 18 months of the date the child was originally taken from the physical custody of his or her parent. . . . The court shall continue the case only if it finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent . . . and safely maintained in the home within the extended period of time or that reasonable services have not been provided to the parent or legal guardian. For the purposes of this section, in order to find a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time, the court shall be required to find all of the following: (A) That the parent or legal guardian has consistently and regularly contacted and visited with the child. (B) That the parent or legal guardian has made significant progress in resolving problems that led to the child's removal from the home. (C) The parent or legal guardian has demonstrated the capacity and ability both to complete the objectives of his or her treatment plan and to provide for the child's safety, protection, physical and emotional well-being, and special needs." (§ 366.21, subd. (g)(1)(A)-(C); *S.T. v. Superior Court* (2009) 177 Cal.App.4th 1009, 1015.)

Mother argues the record establishes she was "able to effectively parent and interact with Ethan and [K.] without the use of physical discipline," was "affectionate and

playful with the children on visits [and] able to redirect the children when necessary," and the children "reported enjoying themselves" and "feeling safe and happy . . . ." Mother recounts her participation in various services, and asserts she "was aware of her mistakes in the past and was accepting responsibility for her actions and cognizant of the efforts [she] needs to put forth to better herself." She notes her "therapist reported mother made significant progress and was learning how to manage her symptoms." Mother concedes there was "some emotional turmoil between mother and [K.] revolving around father," but states she was "open to addressing those issues in family counseling." She also notes "[t]here was no corresponding problem between mother and Ethan," and therefore the "court erred in terminating reunification services with him."

The juvenile court, however, expressly found mother was *not* cognizant of past mistakes and did not accept responsibility for her actions. Rather, the court found mother's history of physical and emotional abuse, and her conduct throughout the proceedings, reflected she had failed to benefit from the services provided. The court concluded mother's testimony demonstrated she did not believe she had committed "real child abuse and actually denied some of the abuse," and it was not "possible for her to achieve anything" with additional reunification services. Thus, the court found mother had failed to make significant progress, explaining mother "failed in every respect to benefit from those services, despite the fact she regularly engaged in them. . . ." Given the 18 month date in September 2016 was approximately a month from the date of the August permanency review, the court did not err in declining to find there was a substantial probability it would return Ethan to his mother's physical custody by September 2016.

C. *Substantial Evidence Supports the Juvenile Court's Finding Reasonable Services Had Been Provided or Offered to Mother*

At the 12-month permanency hearing, the juvenile court "shall also determine whether reasonable services that were designed to aid the parent or legal

guardian to overcome the problems that led to the initial removal and continued custody of the child have been provided or offered to the parent or legal guardian." (§ 366.21, subd. (f)(1)(A).) Where the period of time for court-ordered services has not exceeded the statutory period (§ 361.5), and a child is not returned to the custody of the parent, the court "shall . . . [c]ontinue the case for up to six months for a permanency review hearing . . . if the court finds that reasonable services have not been provided to the parent . . . ." (§ 366.21, subd. (g)(1); see *Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1010 [appellate courts may not overturn reasonable services finding if substantial evidence supports the court's order].)

Mother argues SSA did not provide her with reasonable services. Because the social worker stated she could not recommend returning the children to mother at the 12-month review based on mother's efforts to undermine K.'s relationship with her father, mother contends the social worker should have referred her and K. to conjoint therapy. In support, mother points to the social worker's testimony she pursued arranging conjoint therapy by calling one therapist who was unavailable, and then "just didn't follow through." Mother also argues the social worker failed to address mother's lack of empathy with mother's therapist.

The record reflects the court and SSA referred mother to appropriate services to address the issues in this case, including parenting classes, therapy, counseling and anger management. Mother also had for years participated in numerous programs in Ohio. The record reflects mother chose her own therapist and the providers for her parenting and anger management classes. The therapist and mother appeared to focus on *mother's* trauma and achieving "a happy, healthy life for" *mother*, rather than issues related to the safety of the children. And when the social worker attempted to follow up with the therapist concerning mother's issues related to E.C., domestic violence, and mother's mental health, mother directed the therapist not to speak with the social worker and revoked her authorization to release information. The court reasonably could

conclude mother lacked an interest or the capacity in overcoming certain attitudes harming her children, such as her extreme enmity toward E.C., which posed an ongoing risk of emotional harm. The court noted conjoint therapy is indicated once the parent progresses in individual therapy, but mother had failed to reach that point despite approximately 17 months of effort.

Mother also notes the social worker expressed concerns over mother's childcare options as a reason not to return Ethan to her care. Mother complains the social worker did not give mother clear directives on whether the maternal grandmother could continue to provide childcare for K. and Ethan, and did not assist mother with other childcare options. The lack of childcare options did not figure prominently if at all in the court's decision to terminate reunification services without returning Ethan to mother's care. As SSA notes, "The juvenile court based its conclusion in part on its own observation of Mother and her conduct toward the children. It was not a matter of an approved caretaker other than the maternal grandmother that was the issue, as in that case SSA agreed that the issue would likely be resolved by the 18-month review date. Rather, the hearing took a sharp turn when Mother confronted K. in the courthouse on August 8, 2016. Mother put her own feelings ahead of those of one of her children resulting in emotional detriment." In any event, we note mother's decision to rely on the grandmother for childcare, and the refusal to provide information about the maternal aunt, suggested mother continued to pose a risk to the children. "The standard is not whether the services provided were the best that might be provided in an ideal world, but the services were reasonable under the circumstance." (*Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1010.) In sum, the court did not err in concluding mother had received reasonable services.

D. *The Juvenile Court Did Not Abuse Its Discretion in Reducing Mother's Visitation with Ethan*

Mother argues the juvenile court abused its discretion by reducing her visits with Ethan. Mother notes she had two day visits and two overnight visits with Ethan each week without any problems, noting the issues mother had with K.'s father did not exist between mother and Ethan because he had a different father. Mother emphasizes no evidence showed "that mother's visitation with Ethan was in any way detrimental." She also notes E.C., "who is not Ethan's father, will likely have more visitation with Ethan [than] mother pending the next hearing. This is a man Ethan has never met and has no connection to. And while he is in a different state, with a man he never met, he will be limited to letters and cards to communicate with his mother."

Section 366.21, subdivision (h), provides, "In any case in which the court orders that a hearing pursuant to Section 366.26 shall be held, . . . [t]he court shall continue to permit the parent . . . to visit the child pending the hearing unless it finds that visitation would be detrimental to the child." We review the issue for abuse of discretion. (*In re Hunter S.* (2006) 142 Cal.App.4th 1497, 1498 [visitation required even after reunification services are terminated unless the court finds it would be detrimental to child]; *In re Megan B.* (1991) 235 Cal.App.3d 942, 952 [juvenile court vested with broad discretion concerning visitation].)

Mother demonstrated a lack of insight into the physical abuse of her children during her testimony at the 12-month review. Her conduct towards K. showed mother was prone to stating inappropriate and harmful statements to her children during unmonitored visits. The juvenile court continued to permit mother to visit Ethan two hours two times per week pending the section 366.26 hearing. The court determined these visits were sufficient for mother to maintain her relationship with Ethan. We cannot say the court's visitation order exceeded the bounds of reason. (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318-319 [reviewing court has no authority to substitute its

decision for that of the juvenile court when two or more inferences can reasonably be deduced from the facts].)

III

DISPOSITION

The petition seeking extraordinary relief from the juvenile court's orders terminating reunification services and setting a section 366.26 selection and implementation hearing for December 15, 2016, is denied, as is the request for a stay of that hearing.

ARONSON, ACTING P.J.

WE CONCUR:

FYBEL, J.

IKOLA, J.